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09/751,720	12/29/2000	John S. Rhoades	99-039-TAP	9219

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/751,720

Applicant(s)

RHOADES, JOHN S.

Examiner

Carl Colin

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

1. Pursuant to USC 131, claims 1-30 are presented for examination.

#### *Claim Objections*

2. **Claims 23-24** are objected to because of the following informalities: claims 23-24 depend on claim 14 whereas “the updating means” is in claim 20. The word “the” needs to be replaced by --a-- or appropriate correction is required.

- 2.1 **Claims 2, 15, and 28** are objected to because of the following informalities: “generating a identifier” should read “generating -- an-- identifier”.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3.1 **Claims 1-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,613,154 to **Burke et al.**

3.2 **As per claims 1, 14, and 27, Burke et al.** discloses a method in a secure gateway for sharing a multiple gateway automated data storage system containing a first data storage unit with data stored within the first data storage unit, comprising the steps of: transmitting the data from the first data storage unit within a first automated data storage system to a second data storage unit, for example (see column 5, lines 5-20 and lines 35-67); receiving a request from a second data storage system for the second data storage unit, for example (see column 6, lines 60 through column 7, line 8 and column 7, lines 37-67); and transporting the second data storage unit to the second data storage system, for example (see column 6, lines 60 through column 7, line 8 and column 7, lines 37-67). **Burke et al.** discloses backing up data within a system and also discloses tape transport from any interconnected system to another system.

**As per claims 2, 15, and 28, Burke et al.** discloses the limitation of further comprising: generating an identification qualifier for the second data storage unit, for example (see column 1, lines 60 et seq.).

**As per claims 3 and 16, Burke et al.** discloses the limitation of wherein the first automated data storage system is a source automated data storage system, for example (see column 7, lines 37-67 and column 9, line 20 through column 10 line 12).

**As per claims 4 and 17, Burke et al.** discloses the limitation of wherein the source data storage system is an unclassified data storage system, for example (see column 6, lines 60 through column 7, line 8 and column 7, lines 37-67; and column 9, line 20 through column 10 line 12).

**As per claims 5 and 18, Burke et al.** discloses the limitation of wherein the second data storage system is a destination automated data storage system, for example (see column 7, lines 37-67 and column 9, line 20 through column 10 line 12).

**As per claims 6 and 19, Burke et al.** discloses the limitation of wherein the destination data storage system is a classified destination data storage system, for example (see column 7, line 37 through column 8, line 14; and column 9, line 20 through column 10 line 12). **Burke et al.** discloses controlling access to medium that is not part of the library and also discloses in the background some access controls well known in the art.

**As per claims 7, 20, and 29, Burke et al.** discloses the limitation of further comprising: updating a control data set managed by an automated library data storage system library server, for example (see column 1, line 60 through column 2, line 12).

**As per claims 8 and 21, Burke et al.** discloses the limitation of wherein the control data set is integrated into the automated data storage system library server, for example (see column 1, line 60 through column 2, line 12 and column 7, lines 10-36).

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**As per claims 9 and 22, Burke et al.** discloses the limitation of wherein the control data set is external to the automated data storage system library server, for example (see column 1, line 60 through column 2, line 12 and column 7, lines 10-36). It is a design choice to integrate the control data set in the automated data library server.

**As per claims 10-11 and 23-24, Burke et al.** substantially teaches cataloging system (column 1, line 60 through column 2, line 12) and notifying a server (see claims 17 and 22). **Burke et al.** does not explicitly provide step by step details of cataloging and decataloging. However, it is apparent to one skilled in the art that the disclosure of **Burke et al.** involves decataloging and cataloging which is well known in the art as disclosed for example by the same assignee in US Patent 5,287,459 to Gniewek.

**As per claims 12 and 25, Burke et al.** discloses the limitation of wherein transporting the second data storage unit to the second data storage system further comprises: controlling movement of a robot within an automated library data storage system library server, for example (see column 7, lines 37-67).

**As per claims 13 and 26, Burke et al.** discloses the limitation of wherein the multiple gateway automated data storage system comprises at least two automated data storage systems, for example (see column 2, lines 55 et seq. and column 7, lines 35-67 and see figures 2-5).

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As per claim 30, **Burke et al.** discloses a secure gateway apparatus for sharing a multiple gateway automated data storage system, the apparatus comprising: a controller that controls transporting a data storage unit from a first data storage device to a second data storage device, for example (see column 7, lines 35-67 and column 8, line 38 through column 9); and a transportation device that transports the data storage unit from the first data storage device to the second data storage device, wherein the transportation device protects against transporting the data storage unit from the second data storage device back to the first data storage device, for example (see column 9, line 20 through column 10 line 12; column 7, lines 35-67; and column 8, line 38 through column 9, line 15). **Burke et al.** discloses a system method and apparatus that can be implemented in a gateway device without departing from the spirit and scope of the invention disclosed by **Burke et al.**

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses the use of sharing automated data storage system. Many of the claimed features, i.e. cataloging, backup, control access, etc. are disclosed in this reference.

US Patents:	US 2004/0073676	Honma et al.
	5,287,459	Gniewek
	5,537,585	Blickenstaff et al.
	6,366,987	Tzelnic et al.

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4.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Carl Colin

Patent Examiner

May 7, 2004



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100